

Robert G. Abrams (*pro hac vice*)
 Gregory L. Baker (*pro hac vice*)
BAKER & HOSTETLER LLP
 Washington Square, Suite 1100
 1050 Connecticut Avenue, NW
 Washington, DC 20036-5304
 Telephone: (202) 861-1699
 Facsimile: (202) 861-1783
 Email: rabrams@bakerlaw.com
 gbaker@bakerlaw.com

Lead Plaintiff Class Counsel in MDL No. 2029

Guido Saveri (22349)
 Lisa Saveri (112043)
SAVERI & SAVERI, INC.
 706 Sansome Street
 San Francisco, CA 94111
 Telephone: (415) 217-6810
 Facsimile: (415) 217-6813
 Email: guido@saveri.com
 lisa@saveri.com

Liaison Plaintiff Counsel in MDL No. 2029

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION**

**IN RE ONLINE DVD RENTAL
 ANTITRUST LITIGATION**

Master File No. 4:09-md-2029 PJH

MDL No. 2029

This document relates to:

Hon. Phyllis J. Hamilton

ALL ACTIONS

**PLAINTIFFS' TRIAL WITNESS
 LIST**

Pursuant to Paragraph B.3.e of the Court's July 13, 2009 Pretrial Order No. 4 (Dkt. No. 43), Plaintiffs hereby submit their list of witnesses to be called at trial, either in person or by deposition, other than solely for impeachment or rebuttal.

In addition to the witnesses listed below, Plaintiffs reserve the right to call any witness on Defendant Netflix's witness list or called at trial by Defendant Netflix. Plaintiffs also reserve the right to call witnesses not listed below for purposes of rebuttal.

Plaintiffs' Witness List for Trial

A. Class Plaintiff Representatives

Witness	Substance of Testimony
Eastman, Bryan	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Magee, Stan	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Latham, Amy	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Orozco, Michael	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Resnick, Andrea	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Salvi (aka Miscioscia), Melanie	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Sivek, Liza	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury
Wiener, Michael	Netflix subscription; effect of Defendants' market allocation agreement and Netflix's monopoly; injury

B. Other Witnesses

Witness	Substance of Testimony
Antioco, John	Blockbuster role in DVDR market; Blockbuster role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
Becker (aka Teitz), Jessica	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
Best Buy Records Custodian	Foundation for documents

1	Beyer, John	Relevant market; market structure; market power; Wal-Mart's role in DVDR market; chronology of events in DVDR market; changes in marketplace during 2010; market allocation agreement; impact on class members resulting from market allocation agreement and Wal-Mart's exit from the market; economic evidence is consistent with Plaintiffs' theories of liability, injury, and damages; calculation of class-wide damages (see expert reports for more details)
2	Blockbuster Records Custodian	Foundation for documents
3	Brinton, Lynn	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
4	Colella (aka Lester), Amy	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
5	Crawford, Deborah	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
6	Evangelist, Shane	Blockbuster role in DVDR market; Blockbuster role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
7	Fleming, John	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
8	Geisler, Jerry	Custodian of records for Wal-Mart; foundation for documents
9	Gundlach, Greg	Wal-Mart as a competitor; Wal-Mart's role in DVDR market (see expert reports for more details)
10	Hastings, Wilmot Reed Jr.	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
11	Hunt, Neil	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
12	Kilgore, Leslie	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
13	Kirincich, Paul	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
14	Mertz, Elinor	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents

1	McCarthy, Barry	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
2		
3	Nave, Steven	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
4		
5	Netflix Records Custodian	Foundation for documents
6	Ordovery, Janusz	Interviews with Netflix employees; acts of DVDR market participants
7	Ross, Kenneth	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
8		
9	Sarandos, Ted	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
10		
11	Savage, Neve	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
12		
13	Sevick, Matthew	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
14		
15	Sheehan, Kathy	Custodian of records for Amazon; foundation for documents
16	Stabingas, Mark	Amazon role in DVDR market; Amazon role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
17		
18	Stead, Edward	Blockbuster role in DVDR market; Blockbuster role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
19		
20	Stevenson, Bryan	Custodian of records for Blockbuster; foundation for documents
21		
22	Sussman, Ari	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
23		
24	Swasey, Steven	DVDR market; market allocation agreement; Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
25		
26	Swint, Kevin	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
27		
28	Thompson, Reginald	Custodian of records for Netflix; foundation for documents
	Tran, Mark	Blockbuster role in DVDR market; Blockbuster role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents

PLAINTIFFS' TRIAL WITNESS LIST, Case No. 4:09-md-2029 PJH

1 Van der Meulen, Jorrit	Amazon role in DVDR market; Amazon role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
2 Vazquez, Raul	Wal-Mart role in DVDR market; market allocation agreement; Wal-Mart role in Netflix's unlawful acquisition, maintenance, and abuse of its monopoly power; foundation for documents
3 Wal-Mart Records Custodian	Foundation for documents

4
5
6
7
8
9 DATED: November 15, 2011

Respectfully submitted,

10 BY: /s/ Robert G. Abrams
11 Robert G. Abrams (*pro hac vice*)

12 Gregory L. Baker (*pro hac vice*)
13 **BAKER & HOSTETLER LLP**
14 Washington Square, Suite 1100
15 1050 Connecticut Avenue, NW
16 Washington, DC 20036-5304
17 Telephone: (202) 861-1699
18 Facsimile: (202) 861-1783
19 Email: rabrams@bakerlaw.com
20 gbaker@bakerlaw.com

21 ***Lead Counsel and Member of the Steering Committee for Plaintiffs in MDL No. 2029***

22 Guido Saveri (22349)
23 Lisa Saveri (112043)
24 **SAVERI & SAVERI, INC.**
25 706 Sansome Street
26 San Francisco, CA 94111
27 Telephone: (415) 217-6810
28 Facsimile: (415) 217-6813
Email: guido@saveri.com
lisa@saveri.com

Liaison Counsel and Member of the Steering Committee for Plaintiffs in MDL No. 2029

Joseph J. Tabacco, Jr. (75484)
Todd A. Seaver (271067)
Matthew W. Ruan (264409)
BERMAN DE VALERIO
One California Street, Suite 900
San Francisco, CA 94111
Telephone: (415) 433-3200
Facsimile: (415) 433-6382
Email: jtabacco@bermandevalerio.com
tseaver@bermandevalerio.com
mruan@bermandevalerio.com

Eugene A. Spector
William G. Caldes
Jonathan M. Jagher
**SPECTOR ROSEMAN KODROFF & WILLIS,
P.C.**
1818 Market Street, Suite 2500
Philadelphia, PA 19103
Telephone: (215) 496-0300
Facsimile: (215) 496-6611
Email: espector@srkw-law.com
bcaldes@srkw-law.com
jjagher@srkw-law.com

H. Laddie Montague, Jr.
Merrill G. Davidoff
David F. Sorensen
Sarah R. Schalman-Bergen
BERGER & MONTAGUE, P.C.
1622 Locust Street
Philadelphia, PA 19103
Telephone: (215) 875-3010
Facsimile: (215) 875-4604
Email: hlmontague@bm.net
mdavidoff@bm.net
dsorensen@bm.net
sschalman-bergen@bm.net

*Members of the Steering Committee for
Plaintiffs in MDL No. 2029*

CERTIFICATE OF SERVICE

I certify that on the 15th day of November 2011, a true and correct copy of Plaintiffs' Trial Witness List was served by operation of the electronic filing system of the U.S. District Court of the Northern District of California upon all counsel who have consented to receive notice of filings in the matters styled *In re Online DVD Rental Antitrust Litigation*.

/s/ Cadio Zirpoli
Cadio Zirpoli